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Luigi P. DeMaio, Esq.
Crocco & DeMaio, P.C.
330 East 30th Street
New York, NY 10016

Re: Higgins v. Procapui

Dear Mr. DeMaio:

I have reviewed quickly your draft Federal Court complaint. As but one example, you propose to allege that my clients have been guilty of extortion and have participated in threats to the lives of Mr. Anavian and his family. Such allegations are not only false and without evidentiary foundation, they are so scandalous as to depart from all professional standards. Your claims are also improperly pleaded in many regards, if, indeed, any proper pleading of these allegations is possible. **Please be advised that, if you file this complaint in its present form or anything like its present form or at all, we will seek sanctions as you have evidence to support virtually none of your allegations.**

It is certainly also true that the allegations in your draft complaint suggest that you have many documents in your possession which have not been disclosed to us in the state court action. There is no conceivable document which might support your outrageous allegations which was not demanded in our document request as a review of that request will quickly reveal. You refer to persons and transactions, many of whom my clients have never heard, as providing grounds for your claims. If that were so, which we deny, those claims would necessarily have to have been alleged as defenses to our claims in the pending state court action. Had they been properly raised in that action, which we also deny, you were required to have long since provided those documents to us. Since you have not, we can only conclude that either you have withheld required documents from us or your new allegations have no support. **Again, we will also seek sanctions from the New York State courts for such discovery abuses.**

Finally, to the extent you share any of this false information with third parties without the availability of a legal privilege, my client will seek damages for defamation.

Very truly yours,

John J. Phelan, III